

**AN AMENDED RESOLUTION  
BY: FINANCE/EXECUTIVE COMMITTEE**

**07-R-1935**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND A PURCHASE ORDER WITH BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC., PURSUANT TO CODE SECTION 2-1191, FOR THE AUTOMATED PEOPLE MOVER (APM) MAINLINE EXTENSION PROJECT AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, IN AN AMOUNT NOT TO EXCEED \$65,000,000; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS 2H33 574001 R21E013393CR (2004 AIRPORT PFC BOND FUND: J, K, FAC OTHER THAN BUILDINGS, EAST TERMINAL APM EXTENSION (NON-AMT)) IN THE AMOUNT OF \$32,500,000, AND 2H21 574001 R21E013393DA (AIRPORT RENEWAL AND EXTENSION FUND, FAC OTHER THAN BUILDINGS, EAST TERMINAL APM EXTENSION, CP AMT) IN THE AMOUNT OF \$32,500,000; AND FOR OTHER PURPOSES.**

**WHEREAS**, the APM at Hartsfield-Jackson Atlanta International Airport ("Airport") have been designed, fabricated, installed, operated and maintained at the Airport under various sole source Contracts between the City of Atlanta ("City") and Bombardier Transportation (Holdings) USA, Inc. ("Bombardier"), or one of its predecessors, since 1977, under Code Section 2-1191; and

**WHEREAS**, the Department of Aviation is constructing the Maynard Holbrook Jackson Jr. International Terminal ("MHJIT") and, as part of that overall project, the existing APM will be extended from Concourse E to the MHJIT; and

**WHEREAS**, the Department of Procurement has authorized the procurement of various services from Bombardier in order to extend the APM from Concourse E to the MHJIT, pursuant to Section 2-1191 of the City's Code; and

**WHEREAS**, accordingly, the City has negotiated with Bombardier the terms of a Purchase Order and Contract concerning the extension of the APM from Concourse E to the MHJIT and Aviation General Manager and Chief Procurement Officer have determined that it is desirable and in the City's best interests to execute such Purchase Order and Contract with Bombardier.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor is authorized to execute a Contract and a Purchase Order with Bombardier for the extension of the APM from Concourse E to the MHJIT in an amount not to exceed \$65,000,000.

**BE IT FURTHER RESOLVED**, that all work will be paid from Fund Account and Center Numbers as follows:

2H33 574001 R21E013393CR (2004 Airport PFC Bond Fund: J, K, Fac Other Than Buildings, East Terminal APM Extension (Non-AMT)) in the amount of \$32,500,000

2H21 574001 R21E013393DA (Airport Renewal and Extension Fund, Fac Other Than Buildings, East Terminal APM Extension, CP AMT) in the amount of \$32,500,000

**BE IT FURTHER RESOLVED**, that the City Attorney is directed to prepare an appropriate Contract and Purchase Order for execution by the Mayor, to be approved by the City Attorney as to form.

**BE IT FURTHER RESOLVED**, that the Contract and Purchase Order will not become binding upon the City and the City will incur no liability under them until they have been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form, and delivered to Bombardier.

**COMMITTEE AMENDMENT FORM**

**DATE** 9/12/07

**COMMITTEE** Transportation **PAGE(S)** 1

**ORDINANCES I.D.#** 07-R-1935 **SECTION(S)** 1st Resolve Clause

**RESOLUTION I.D.#** \_\_\_\_\_ **PARAGRAPH(S)** JAD (LS)

**AMENDMENT:**

Amend 1<sup>st</sup> resolved clause to include FAC names and titles as follows:

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2H33 574001 R21E013393CR	32,500,000
2H21 574001 R21E013393DA	32,500,000

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**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:**

**Caption:**

**Council Meeting Date:**

**Requesting Dept.:**

**FAC Confirmed by:**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this Project is to support the implementation of the Maynard H. Jackson International Terminal (MHJIT) by extending the existing Automated People Mover (APM) System to a new station located at the new MHJIT Terminal. The APM System at Hartsfield Jackson Atlanta International Airport (HJAIA) is vital to the successful operation of the airport and an integral part of the MHJIT Project. The scope of this project includes the extension of the APM mainline to a new MHJIT Station including: Automatic Train Control Equipment, switches, station doors, Power Distribution equipment, 10 additional vehicles and automatic couplers. A new vehicle storage area is also included to provide storage for the additional vehicles and parts and equipment needed to support the expansion. Bombardier will also develop a performance specification for the construction of the guideway which will be constructed by Holder, Manhattan, Moody, and Hunt (HMMH) under the Construction Manager at Risk Contract. Legislation for the HMMH portion of the work will be considered concurrently with this request.

**2. Please provide background information regarding this legislation.**

Project authorized as a Sole Source Procurement pursuant to City Code Chapter 2, Article X, Section 1191. All EBO participation will be achieved through the Installation portion of the work. The City is utilizing the Purchase Order to exercise its status as a tax exempt entity. There are no bonds required for the Purchase Order as determined by the City Attorney.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Purchase Order

(b) Source Selection: Sole Source

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract: 43 Months

4. Fund Account Center (Ex. Name and number): 2H33 574001 R21E013393CR (2004 AIRPORT PFC BOND FUND: J, K, FAC. OTHER THAN BUILDINGS, EAST TERMINAL APM EXTENSION (NON-AMT) IN THE AMOUNT OF \$32,500,000, AND 2H21 574001 R21E013393DA (AIRPORT RENEWAL AND EXTENSION FUND, FAC OTHER THAN BUILDINGS, EAST TERMINAL APM EXTENSION, CP AMT) IN THE AMOUNT OF \$32,500,000

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant* Passenger Facility Charges Bond Fund and Commercial Paper

6. Fiscal Impact: \$65,000,000

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: CPTC Lease

*Examples:*

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Andy Orr


07 SEP 10 PM 12:44

Shirley Franklin  
Mayor

Benjamin R. DeCosta  
Aviation General Manager

**MEMORANDUM**

**TO:** Adam L. Smith, Esq.  
Chief Procurement Officer  
Department of Procurement

**FROM:** Benjamin R. DeCosta  
Aviation General Manager  
Department of Aviation 

**DATE:** September 7, 2007

**SUBJECT:** **Hartsfield-Jackson Development Program**  
**Sole Source Procurement Request for Bombardier Transportation (Holding) USA, Inc.-for**  
**the Maynard Holbrook Jackson, Jr. International Terminal (MHJIT) Automated People**  
**Mover (APM) System Expansion at Hartsfield-Jackson Atlanta International Airport (H-**  
**JAIA)**

As you are aware, the Department of Aviation submitted to you on July 30, 2007, a request under Code for a Section 2-1191.1 Special Procurement authorization in support of the subject project. This will confirm that your office verbally advised certain of my Planning and Development Staff that such prior request was going to be denied by your office and requested that the Department of Aviation submit, instead, a new request to have this project authorized as a Sole Source Procurement under Code Section 2-1191. It is our understanding that you will, in the near future, formally reject the prior Section 2-1191.1 request and will grant this new request.

Accordingly, in accordance with the City of Atlanta Code of Ordinances, Chapter 2 Administration, Article X Procurement and Real Estate Code, Division 4, Source Selection and Contract Formation, Section 1191, Sole Source Procurement, we forward the following justification to support the Sole Source Procurement of professional services for the above-referenced project.

As you are aware, in 1980 the City originally purchased from Bombardier f/k/a Westinghouse, ABB Daimler-Benz and AdTranz) the APM at the Airport, including several expansions of the system over the years. Historically, Bombardier and its predecessors have enjoyed the designation as sole source providers for virtually every aspect of the APM since its inception.

Specifically, Bombardier and its predecessors have been designated as sole source providers for all Operation and Maintenance (O&M) services for the APM for several decades. This designation was made by the City for Agreements executed in 1985, 1988, 1996, and 2005. Bombardier was also approved as the sole source provider for the twenty four (24) car replacement project in 2001 and the Automatic Train Control replacement project in 2005.

The Department of Aviation (DOA) is moving forward with the implementation of the MHJIT Program. A key component of the Program is the extension of the existing APM from Concourse E to the MHJIT. We are requesting the approval of a Sole Source Procurement to enter into a Contract with Bombardier to design, manufacture, provide, install, commission, and provide any other services required to complete the extension of the APM system. Extension of the existing APM system to the MHJIT is the only way to maintain the integrity of this critical customer service system and will provide best value to the City in terms of schedule adherence, cost, and safety. Bombardier as Contractor, and utilizing its intimate knowledge of the existing APM System and the multitude of





Adam L. Smith  
Chief Procurement Officer  
**Re: Sole Source Procurement Request**  
September 7, 2007  
Page Two

interfaces to other system elements as well as their familiarity with DOA's operation and requirements, makes them uniquely qualified to expand the APM system with the minimum risk to system operations and service.

In addition to the historical designation of Bombardier and its predecessors as sole source providers, at present, most of the APM system is proprietary including equipment, software and other drawings and documentation. Since Bombardier is the owner of such proprietary information, it is currently the only source for the required MHJIT APM system Expansion at H-JAIA. By not designating Bombardier as a sole source, the City would be required to replace virtually the entire APM system at significantly higher cost to the City.

We are confident that recommending Bombardier as the company to perform the required MHJIT APM System Expansion is in the best interest of the City and H-JAIA.

If additional information is required, please contact John Kapala at 404-530-5707.

cc: Mario Diaz  
Dan Molloy  
Robert Caput  
John Kapala  
Lepora Manigault  
John Orr  
Document Control

CITY OF ATLANTA  
DEPT. OF PROCUREMENT

07 SEP 10 PM 12:44



## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR


DEPARTMENT OF AVIATION  
HARTSFIELD ATLANTA INTERNATIONAL AIRPORT  
6000 NORTH TERMINAL PARKWAY  
SUITE 4000 - ATRIUM  
P.O. BOX 20509  
ATLANTA, GEORGIA USA 30320  
TEL: (404) 530-6600  
FAX: (404) 530-6803

BENJAMIN R. DeCOSTA  
AVIATION GENERAL MANAGER

MARIO C. DIAZ  
DEPUTY GENERAL MANAGER

### MEMORANDUM

**TO:** Greg Pridgeon, Chief of Staff

**FROM:** Benjamin R. DeCosta, Aviation General Manager 

**DATE:** September 7, 2007

**SUBJECT:** Hartsfield-Jackson Atlanta International Airport (H-JAIA)  
Bombardier Legislative Package

The Department of Aviation submitted legislation seeking to award a Purchase Order and Contract to Bombardier Holding, Inc. for the expansion of the Automated People Mover (APM) System from Concourse E to the Maynard Holbrook Jackson Jr. International Terminal (MHJIT). The legislative submittal was timed so as to be on the September 17, 2007 Council cycle. This is a critical activity for us as the critical path for opening the MHJIT is dependent upon the expansion of the APM System, which requires a duration of 41 months. Work on this project must commence prior to November 1, 2007 to support our planned facility opening date. Experience has shown us that completing the steps necessary to execute a formal Contract can take up to forty-five (45) days. This is the reason that the September 17, 2007 Council date is so important.

We have become aware that the Department of Procurement (DOP) did not forward the legislative package to your office due to the uncertainty regarding whether the award should be in accordance with Code of Ordinances Section 1191 Sole Source or Section 1191.1 Special Procurement. The DOA requested approval under Section 1191.1 on the recommendation of the Aviation Practice Group (Legal) on August 17, 2007. The issue has since been resolved and we request that the legislation be included for the September 17, 2007 Council cycle.

If you have any questions or require additional information, please contact me at your convenience. The legislation is attached for your approval.

BD:JO:aw

Attachment

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: 8/24/07

Anticipated Committee Meeting Date(s): 9/12/07

Anticipated Full Council Date: 9/17/07

Commissioner Signature: \_\_\_\_\_

Chief Procurement Officer Signature: Adam L. Smith

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND A PURCHASE ORDER WITH BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC., PURSUANT TO CODE SECTION 2-1191, FOR THE AUTOMATED PEOPLE MOVER (APM) MAINLINE EXTENSION PROJECT AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, IN AN AMOUNT NOT TO EXCEED \$65,000,000; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBERS 2H33 574001 R21E013393CR (2004 AIRPORT PFC BOND FUND: J, K, FAC OTHER THAN BUILDINGS, EAST TERMINAL APM EXTENSION (NON-AMT)) IN THE AMOUNT OF \$32,500,000, AND 2H21 574001 R21E013393DA (AIRPORT RENEWAL AND EXTENSION FUND, FAC OTHER THAN BUILDINGS, EAST TERMINAL APM EXTENSION, CP AMT) IN THE AMOUNT OF \$32,500,000; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$65,000,000

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: 9/10/07 (date) Reviewed by: [Signature] (date)

Submitted to Council: 9/10/07 (date)